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January 23, 2006

The Honorable Magistrate Judge Kenneth P. Neiman
United States District Court
District of Massachusetts
1550 Main Street
Springfield, MA 01103

Re: ING Life Insurance and Annuity v. Kumbirai Ushe, et al
Civil Action #: 1:04-11571-KPN

Your Honor:

I represent interpleader plaintiff ING Life Insurance and Annuity Company in the above-referenced matter. On January 20, 2006, I filed with the Court a Release and Stipulated Judgment executed by all parties in this matter, pursuant to which the interpleader defendants have released ING from the matter, and authorized ING to move the Court for reimbursement from the Account proceeds, being held in the Court's registry, of ING's reasonable costs and attorneys' fees related to this matter. Accordingly, on the same date, I filed a Motion to that effect with the Court.

It is my understanding from speaking with the beneficiaries' attorneys, Attorney Crosby, and Attorney Lavinski, in the past two weeks, that the beneficiaries have come to an agreement that only Kumbirai Ushe is entitled to the Account proceeds remaining after ING's costs and fees are reimbursed. It is also my understanding that Attorney Lavinski and Attorney Crosby will be circulating another release among their clients only, authorizing release of those funds to Kumbirai. I have advised Attorney Lavinski and Attorney Crosby that ING need not be a signatory to that second release, as ING itself has been released from the matter.

This case is scheduled for a court-side trial on February 21, 2006. As ING has now been released from this matter, I am writing to respectfully request confirmation from the Court that ING need not attend that trial, in the event the beneficiaries are not able to finalize their agreement before that date. As I have done in the past, in making that request, I continue to represent to the Court and the beneficiaries' attorneys that I and ING will continue to cooperate in any fashion to facilitate final resolution of this matter among the beneficiaries.

LITCHFIELD

Attorneys at Law


CAVO LLP

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Thank you for your thoughtful consideration of this request.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Melicent B. Thompson".

Melicent B. Thompson

MBT/mms

cc : Joseph M. Laviski, Esq.
Jane E. Crosby, Esq.
Karen E. Cooper, Esq.
Marc S. Edrich, Esq.